

FILED

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

OCT 23 2013

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

SHIU LUNG LEUNG, AKA Steve Leung,
AKA Chao-Lung Liang,

Defendant - Appellant.

No. 13-10242

D.C. No. 3:09-cr-00110-SI-6
Northern District of California,
San Francisco

ORDER

Before: McKEOWN and RAWLINSON, Circuit Judges.

Appellant's motion for bail pending appeal is granted. Appellant has shown, by clear and convincing evidence, that appellant is not likely to flee or to pose a danger to the safety of any other person or the community if released. Appellant also has shown that the appeal raises a "substantial question" of law or fact that is "fairly debatable," and that "if that substantial question is determined favorably to defendant on appeal, that decision is likely to result in reversal or an order for a new trial of all counts on which imprisonment has been imposed." *United States v. Handy*, 761 F.2d 1279, 1283 (9th Cir. 1985); *see also* 18 U.S.C. § 3143(b).

Appellant's September 27, 2013 "motion for extension of time to file appellant's opening brief" is granted in part. The court grants appellant an extension of time to file the opening brief. The opening brief is now due November 29, 2013; the answering brief is now due December 30, 2013; and the optional reply brief is due within 14 days after service of the answering brief. To the extent the September 27, 2013 motion requests a stay of briefing pending resolution of appeal Nos. 12-10492, 12-10493, 12-10500, and 12-10514, the motion is denied.

This matter is remanded to the district court for the limited purpose of establishing appropriate conditions of release.